

(b) In the event of the absence or disability of both the Administrator and the Deputy Administrator, or in the event that both positions are vacant, the following officials, in the order indicated, shall serve as Acting Deputy Administrator and shall perform the functions and duties of the Administrator, except for any non-delegable statutory and/or regulatory functions and duties:

- (1) Chief Counsel;
- (2) Senior Associate Administrator for Vehicle Safety;
- (3) Senior Associate Administrator for Traffic Injury Control;
- (4) Senior Associate Administrator for Policy and Operations.

(c) In order to qualify for the line of succession, officials must be encumbered in their position on a permanent basis.

**§ 501.5 Exercise of authority.**

(a) All authorities lawfully vested in the Administrator and reserved to him/her in this Regulation or in other NHTSA directives may be exercised by the Deputy Administrator and, in the absence of both Officials, by the Chief Counsel, unless specifically prohibited.

(b) In exercising the powers and performing the duties delegated by this part, officers of the NHTSA and their delegates are governed by applicable laws, executive orders, regulations, and other directives, and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary of Transportation, the Administrator, the Deputy Administrator and the Chief Counsel or, with respect to matters under their jurisdiction, by or on behalf of the Senior Associate Administrators, Associate Administrators, Regional Administrators, and Directors of Staff Offices.

(c) Each officer to whom authority is delegated by this part may redelegate and authorize successive redelegations of that authority subject to any conditions the officer prescribes. Redelegations of authority shall be in written form and shall be published in the FEDERAL REGISTER when they affect the public.

(d) Each officer to whom authority is delegated will administer and perform

the functions described in the officer's respective functional statements.

**§ 501.6 Secretary's reservations of authority.**

The authorities reserved to the Secretary of Transportation are set forth in § 1.21 of part 1 and in part 95 of the regulations of the Office of the Secretary of Transportation in subtitle A of this Title (49 CFR Parts 1 and 95).

**§ 501.7 Administrator's reservations of authority.**

The delegations of authority in this part do not extend to the following authority which is reserved to the Administrator, except when exercised pursuant to §§ 501.4 and 501.5(a):

(a) The authority under chapter 301—Motor Vehicle Safety—of Title 49 of the United States Code to:

(1) Issue, amend, or revoke final federal motor vehicle safety standards and regulations;

(2) Make final decisions concerning alleged safety-related defects and non-compliances with Federal motor vehicle safety standards;

(3) Grant or renew temporary exemptions from federal motor vehicle safety standards; and

(4) Grant or deny appeals from determinations upon petitions for inconsequential defect or noncompliance.

(b) The authority under 23 U.S.C. chapter 4, as amended, to:

(1) Apportion authorization amounts and distribute obligation limitations for State highway safety programs under 23 U.S.C. 402;

(2) Award grants to the States under the National Priority Safety Programs, 23 U.S.C. 405;

(3) Issue, amend, or revoke uniform State highway safety guidelines and rules identifying highly effective highway safety programs under 23 U.S.C. 402;

(4) Fix the rate of compensation for non-government members of agency sponsored committees which are entitled to compensation.

(c) The authority under chapters 303, 321, 323, 325, and 329 (except section 32916(b)) of Title 49 of the United States Code to:

(1) Issue, amend, or revoke final rules and regulations; and

## § 501.8

(2) Assess civil penalties and approve manufacturer fuel economy credit plans under chapter 329.

### § 501.8 Delegations.

(a) *Deputy Administrator.* The Deputy Administrator is delegated authority to act for the Administrator, except where specifically limited by law, order, regulation, or instructions of the Administrator. The Deputy Administrator is delegated authority to assist the Administrator in providing executive direction to all organizational elements of NHTSA.

(b) [Reserved]

(c) *Director, Office of Civil Rights.* The Director, Office of Civil Rights is delegated authority to:

(1) Act as the NHTSA Director of Equal Employment Opportunity.

(2) Act as NHTSA coordinator for matters under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Executive Order 12250 (3 CFR, 1980 Comp., p. 298), and regulations of the Department of Justice.

(d) *Chief Counsel.* The Chief Counsel is delegated authority to:

(1) Exercise the powers and perform the duties of the Administrator with respect to setting of odometer regulations authorized under 49 U.S.C. chapter 327, and with respect to providing technical assistance and granting extensions of time to the states under 49 U.S.C. 32705.

(2) Establish the legal sufficiency of all investigations and enforcement actions conducted under the authority of the following chapters, including notes, of Title 49 of the United States Code Chapters 301, 303, 321, 323, 325, 327, 329 and 331; to make an initial penalty demand based on a violations of any of these chapters; and to compromise any civil penalty or monetary settlement in an amount of \$100,000 or less resulting from a violation of any of these chapters.

(3) Exercise the powers of the Administrator under 49 U.S.C. 30166(c), (g), (h), (i), and (k).

(4) Issue subpoenas, after notice to the Administrator, for the attendance of witnesses and production of documents pursuant to chapters 301, 321, 323, 325, 327, 329 and 331 of Title 49 of the United States Code.

## 49 CFR Ch. V (10–1–13 Edition)

(5) Issue authoritative interpretations of the statutes administered by NHTSA and the regulations issued by the agency.

(e) *Senior Associate Administrator for Policy and Operations.* The Senior Associate Administrator for Policy and Operations is delegated authority for executive direction of the Associate Administrator for Planning, Administrative and Financial Management; the Chief Information Officer; the Director of Human Resources; the Director of Executive Correspondence; the Associate Administrator for Communications and Consumer Information; and the Emergency Coordinator. To carry out this direction, the Senior Associate Administrator for Policy and Operations is delegated authority, except for authority reserved to the Administrator, to direct the NHTSA planning and evaluation system in conjunction with Departmental requirements and planning goals and to coordinate the development of the Administrator's plans, budgets, and programs, and analyses of their expected impact. The Senior Associate Administrator for Policy and Operations is also delegated authority to exercise procurement authority with respect to NHTSA requirements; administer and conduct NHTSA's personnel management activities; administer NHTSA financial management programs, including systems of funds control and accounts of all financial transactions; and conduct administrative management services in support of NHTSA missions and programs.

(f) *Senior Associate Administrator for Vehicle Safety.* The Senior Associate Administrator for Vehicle Safety is delegated authority for executive direction of the Associate Administrator for Rulemaking, the Associate Administrator for Enforcement, the Associate Administrator for the National Center for Statistics and Analysis, and the Associate Administrator for Vehicle Safety Research. The Senior Associate Administrator for Vehicle Safety exercises executive direction with respect to the setting of standards and regulations for motor vehicle safety, fuel economy, theft prevention, consumer information, and odometer fraud. To